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AMENDMENTS TO LB 1062

1 1. Strike original sections 4, 27, 34, and 54 to 57 and
2 insert the following new sections:

3 "Sec. 3. Section 43-3342.03, Revised Statutes
4 Supplement, 2000, is amended to read:

5 43-3342.03. (1) All support orders shall direct payment
6 of support as provided in section 42-369. Any support order issued
7 prior to ~~April 1, 2000~~, the date that the State Disbursement Unit
8 becomes operative for which the payment is to be made to the clerk
9 of the district court shall be deemed to require payment to the
10 State Disbursement Unit after a notice to the obligor is issued.

11 (2) The unit may collect a fee equal to the actual cost
12 of processing an insufficient funds check. After a payor has
13 originated two insufficient funds checks within a period of six
14 months, the unit may issue a notice to the originator that, for the
15 following year, no checks will be accepted from such person and
16 payments are required to be paid by cash, guaranteed funds, or
17 electronic funds transfer.

18 Sec. 5. Section 71-101, Revised Statutes Supplement,
19 2001, is amended to read:

20 71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to
21 71-1,338, 71-1,343 to 71-1,350, 71-1301 to 71-1354, and 71-2801 to
22 71-2823 and sections 9 and 24 of this act shall be known and may be
23 cited as the Uniform Licensing Law.

24 For purposes of the Uniform Licensing Law, unless the

1 context otherwise requires:

2 (1) Board or professional board means one of the boards
3 appointed by the State Board of Health;

4 (2) Licensed, when applied to any licensee in any of the
5 professions named in section 71-102, means a person licensed under
6 the Uniform Licensing Law;

7 (3) Profession or health profession means any of the
8 several groups named in section 71-102;

9 (4) Department means the Department of Health and Human
10 Services Regulation and Licensure;

11 (5) Whenever a particular gender is used, it is construed
12 to include both the masculine and the feminine, and the singular
13 number includes the plural when consistent with the intent of the
14 Uniform Licensing Law;

15 (6) License, licensing, or licensure means permission to
16 engage in a health profession which would otherwise be unlawful in
17 this state in the absence of such permission and which is granted
18 to individuals who meet prerequisite qualifications and allows them
19 to perform prescribed health professional tasks and use a
20 particular title;

21 (7) Certificate, certify, or certification, with respect
22 to professions, means a voluntary process by which a statutory,
23 regulatory entity grants recognition to an individual who has met
24 certain prerequisite qualifications specified by such regulatory
25 entity and who may assume or use the word certified in the title or
26 designation to perform prescribed health professional tasks. When
27 appropriate, certificate means a document issued by the department

1 which designates particular credentials for an individual;

2 (8) Lapse means the termination of the right or privilege
3 to represent oneself as a licensed, certified, or registered person
4 and to practice the profession when a license, certificate, or
5 registration is required to do so;

6 (9) Credentialing means the totality of the process
7 associated with obtaining state approval to provide health care
8 services or human services or changing aspects of a current
9 approval. Credentialing grants permission to use a protected title
10 that signifies that a person is qualified to provide the services
11 of a certain profession. Credential includes a license,
12 certificate, or registration; and

13 (10) Dependence means a compulsive or chronic need for or
14 an active addiction to alcohol or any controlled substance or
15 narcotic drug.

16 Sec. 7. Section 71-183.02, Revised Statutes Supplement,
17 2001, is amended to read:

18 71-183.02. For purposes of sections 71-183 to 71-193.20
19 and section 9 of this act, dental assistant means a person, other
20 than a dental hygienist, employed by a licensed dentist for the
21 purpose of assisting such dentist in the performance of his or her
22 clinical and clinical-related duties.

23 Sec. 8. Section 71-193.16, Revised Statutes Supplement,
24 2001, is amended to read:

25 71-193.16. For purposes of sections 71-183 to 71-193.20
26 and section 9 of this act, (1) general supervision means the
27 directing of the authorized activities of a dental hygienist or

1 dental assistant by a licensed dentist and shall not be construed
2 to require the physical presence of the supervisor when directing
3 such activities and (2) indirect supervision means supervision when
4 the licensed dentist authorizes the procedure to be performed by a
5 dental hygienist or dental assistant and the licensed dentist is
6 physically present on the premises when such procedure is being
7 performed by the dental hygienist pursuant to section 71-193.18 or
8 the dental assistant.

9 Sec. 9. (1) The department upon recommendation of the
10 Board of Dentistry shall issue a faculty license to any person who
11 meets the requirements of subsection (4) or (5) of this section. A
12 faculty licensee may practice dentistry only as a faculty member at
13 a dental education institution in the State of Nebraska accredited
14 by the Commission on Dental Accreditation of the American Dental
15 Association, the Commission on Dental Accreditation of Canada, or
16 similar organization as determined by the board and may teach
17 dentistry, conduct research, and participate in an institutionally
18 administered faculty practice only at such dental education
19 institution. A faculty licensee eligible for licensure under
20 subsection (5) of this section shall limit his or her practice to
21 the clinical discipline in which he or she has received
22 postgraduate education at an accredited dental education
23 institution.

24 (2) Any person who desires a faculty license shall make a
25 written application to the department. The application shall
26 include information regarding the applicant's professional
27 qualifications, experience, and licensure. The application shall

1 be accompanied by a copy of the applicant's dental degree, any
2 other degrees or certificates for postgraduate education of the
3 applicant, the required licensure fee as provided in section
4 71-162, and certification from the dean of an accredited dental
5 education institution in the State of Nebraska that the applicant
6 has a contract to be employed as a full-time faculty member at such
7 institution.

8 (3) A faculty license shall expire at the same time and
9 be subject to the same renewal requirements as a regular dental
10 license, except that such license shall remain valid and may only
11 be renewed if:

12 (a) The faculty licensee remains employed as a full-time
13 faculty member of an accredited dental education institution in the
14 State of Nebraska; and

15 (b) The faculty licensee demonstrates continuing clinical
16 competence if required by the board.

17 (4) An individual who graduated from an accredited dental
18 education institution shall be eligible for a faculty license if he
19 or she:

20 (a) Has a license to practice dentistry in some other
21 state in the United States;

22 (b) Has a contract to be employed as a full-time faculty
23 member at an accredited dental education institution in the State
24 of Nebraska;

25 (c) Passes a jurisprudence examination administered by
26 the Board of Dentistry; and

27 (d) Agrees to demonstrate continuing clinical competency

1 as a condition of renewal if required by the board.

2 (5) An individual who graduated from a nonaccredited
3 dental education institution shall be eligible for a faculty
4 license if he or she:

5 (a) Has completed at least two years of postgraduate
6 education at an accredited dental education institution and
7 received a certificate or degree from such institution;

8 (b) Has a contract to be employed as a full-time faculty
9 member at an accredited dental education institution in the State
10 of Nebraska;

11 (c) Passes a jurisprudence examination administered by
12 the Board of Dentistry;

13 (d) Agrees to demonstrate continuing clinical competency
14 as a condition of renewal if required by the board; and

15 (e) Has passed Part I and Part II of the National Board
16 Dental Examinations or its equivalent as determined by the Board of
17 Dentistry.

18 Sec. 10. Section 71-1,103, Revised Statutes Supplement,
19 2000, is amended to read:

20 71-1,103. The following classes of persons shall not be
21 construed to be engaged in the unauthorized practice of medicine:

22 (1) Persons rendering gratuitous services in cases of
23 emergency;

24 (2) Persons administering ordinary household remedies;

25 (3) The members of any church practicing its religious
26 tenets, except that they shall not prescribe or administer drugs or
27 medicines, perform surgical or physical operations, nor assume the

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1 title of or hold themselves out to be physicians or surgeons, and
2 such members shall not be exempt from the quarantine laws of this
3 state;

4 (4) Students of medicine and surgery who are studying in
5 an accredited school or college of medicine and who gratuitously
6 prescribe for and treat disease under the supervision of a licensed
7 physician;

8 (5) Physicians and surgeons of the United States Armed
9 Forces or Public Health Service or United States Department of
10 Veterans Affairs when acting in the line of such duty in this
11 state;

12 (6) Physicians and surgeons who are graduates of an
13 accredited school or college of medicine with the degree of Doctor
14 of Medicine and licensed in another state when incidentally called
15 into this state for consultation with a physician and surgeon
16 licensed in this state;

17 (7) Physicians and surgeons who are graduates of an
18 accredited school or college of medicine with the degree of Doctor
19 of Medicine and who reside in a state bordering this state and who
20 are duly licensed under the laws thereof to practice medicine and
21 surgery but who do not open an office or maintain or appoint a
22 place to meet patients or to receive calls within this state unless
23 they are performing services described in subdivision (7) of
24 section 71-1,102;

25 (8) Persons providing or instructing as to use of braces,
26 prosthetic appliances, crutches, contact lenses, and other lenses
27 and devices prescribed by a doctor of medicine licensed to practice

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1 while working under the direction of such physician;

2 (9) Dentists practicing their profession when licensed
3 and practicing in accordance with sections 71-183 to 71-191 and
4 section 9 of this act;

5 (10) Optometrists practicing their profession when
6 licensed and practicing under and in accordance with sections
7 71-1,133 to 71-1,136;

8 (11) Osteopathic physicians practicing their profession
9 if licensed and practicing under and in accordance with sections
10 71-1,137 and 71-1,141;

11 (12) Chiropractors practicing their profession if
12 licensed and practicing under sections 71-177 to 71-182;

13 (13) Podiatrists practicing their profession when
14 licensed and practicing under and in accordance with sections
15 71-173 to 71-176;

16 (14) Psychologists practicing their profession when
17 licensed and practicing under and in accordance with sections
18 71-1,206.01 to 71-1,206.35;

19 (15) Advanced practice registered nurses and certified
20 registered nurse anesthetists practicing their profession when
21 licensed and practicing under and in accordance with the Advanced
22 Practice Registered Nurse Act;

23 (16) Any person licensed or certified under the laws of
24 this state to practice a limited field of the healing art, not
25 specifically named in this section, when confining themselves
26 strictly to the field for which they are licensed or certified, not
27 assuming the title of physician, surgeon, or physician and surgeon,

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1 and not professing or holding themselves out as qualified to
2 prescribe drugs in any form or to perform operative surgery;

3 (17) Physicians and surgeons who are duly licensed to
4 practice medicine and surgery in another state who have been
5 recommended by the secretary of the board of examiners in the state
6 of licensure and who have been granted temporary practice rights by
7 the Board of Medicine and Surgery, with the approval of the
8 department, for a period not to exceed three months in any
9 twelve-month period;

10 (18) Persons obtaining blood specimens while working
11 under an order of or protocols and procedures approved by a
12 physician, registered nurse, or other independent health care
13 practitioner licensed to practice by the state if the scope of
14 practice of that practitioner permits the practitioner to obtain
15 blood specimens; and

16 (19) Any other trained person employed by a licensed
17 health care facility or health care service defined in the Health
18 Care Facility Licensure Act or clinical laboratory certified
19 pursuant to the federal Clinical Laboratories Improvement Act of
20 1967, as amended, or Title XVIII or XIX of the federal Social
21 Security Act to withdraw human blood for scientific or medical
22 purposes.

23 Every act or practice falling within the practice of
24 medicine and surgery as defined not specially excepted in this
25 section shall constitute the practice of medicine and surgery and
26 may be performed in this state only by those licensed by law to
27 practice medicine in Nebraska.

1 Sec. 33. Section 71-415, Revised Statutes Supplement,
2 2000, is amended to read:

3 71-415. Health care service means an adult day service,
4 a home health agency, or a hospice or hospice service. ~~7 or a~~
5 ~~respite care service.~~

6 Sec. 44. A hospital patient who is nineteen years of age
7 or older or an emancipated minor may designate at any time, orally
8 or in writing, up to five individuals not legally related by
9 marriage or blood to the patient whom the patient wishes to be
10 given the same visitation privileges as an immediate family member
11 of such patient. An individual so designated shall have the same
12 visitation privileges as an immediate family member of such
13 patient. The patient may rescind the designation or designations
14 at any time, orally or in writing. Any designation or rescission
15 made under this section shall be noted on the patient's medical
16 records at such hospital. For purposes of this section, medical
17 records means the hospital's record of a patient's health history
18 and treatment rendered.

19 Sec. 57. Section 71-7611.04, Revised Statutes
20 Supplement, 2001, is amended to read:

21 71-7611.04. It is the intent of the Legislature to
22 appropriate from the Nebraska Health Care Cash Fund as follows:

23 (1) One hundred fifty thousand dollars in fiscal year
24 2001-02 and one hundred fifty thousand dollars in fiscal year
25 2002-03 to the Department of Health and Human Services for the
26 development and implementation of new respite programs in each of
27 the service areas designated by the Policy Cabinet established in

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1 section 81-3009;

2 (2) One hundred thousand dollars in fiscal year 2001-02
3 and one hundred thousand dollars in fiscal year 2002-03 to the
4 Department of Health and Human Services for personnel and other
5 administrative costs related to the Nebraska Lifespan Respite
6 Services Program; and

7 (3) Eight hundred ten thousand dollars in fiscal year
8 2001-02 and eight hundred ten thousand dollars in fiscal year
9 2002-03 to the Department of Health and Human Services Finance and
10 Support to aid in carrying out the Nebraska Lifespan Respite
11 Services Program to provide payment to caregivers to purchase
12 services under the respite subsidy program.

13 Sec. 60. The Revisor of Statutes shall assign section 45
14 of this act to Chapter 71, article 20.

15 Sec. 61. Sections 2 to 4, 6, 11 to 60, 63, and 64 of
16 this act become operative three calendar months after adjournment
17 of this legislative session. The other sections of this act become
18 operative on their effective date.

19 Sec. 62. Original sections 42-358 and 71-1,103, Revised
20 Statutes Supplement, 2000, and sections 71-101, 71-183.02, and
21 71-193.16, Revised Statutes Supplement, 2001, are repealed.

22 Sec. 63. Original sections 44-2901, 71-1,132.04,
23 71-1,132.06, 71-1,132.16, 71-1,132.18, 71-1,132.24, 71-1,132.25,
24 71-1,132.35, 71-1,231, 71-1729, 71-1757, 71-1761, 71-1787, 71-2412,
25 71-6057, 71-6603, and 83-126, Reissue Revised Statutes of Nebraska,
26 sections 43-3342.01, 43-3342.03, 71-139.01, 71-1,104, 71-1,132.07,
27 71-1,132.11, 71-1,132.13, 71-1,132.20, 71-1,134, 71-1,136.03,

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1 71-1,139.01, 71-1,158, 71-1,160, 71-1,161, 71-404, 71-415, 71-432,
2 71-434, 71-436, 71-438, 71-456, 71-1723.02, 71-6053, 71-6054,
3 71-6056, 71-6060, 71-6061, 71-6065, 71-6066, and 81-1316, Revised
4 Statutes Supplement, 2000, and sections 71-101, 71-1,147.53,
5 71-2421, 71-5310, and 71-7611.04, Revised Statutes Supplement,
6 2001, are repealed.

7 Sec. 64. The following section is outright repealed:
8 Section 71-428, Revised Statutes Supplement, 2000."

9 2. On page 10, lines 16 and 17, strike the new matter;
10 and strike beginning with "been" in line 17 through "hospital" in
11 line 21, show as stricken, and insert "met the requirements of
12 subdivision (1)(d) of section 71-1,104".

13 3. On page 12, line 16; and page 29, lines 11 and 12,
14 strike "at least thirty hours of".

15 4. On page 60, line 27, after "department" insert "in
16 rules and regulations".

17 5. Renummer the remaining sections and correct internal
18 references accordingly.